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Counsel for The Original Mowbray's Tree
Service, Inc., Debtor and Debtor-In-Possession

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION

In re:

THE ORIGINAL MOWBRAY'S TREE
SERVICE, INC.,

Debtor and Debtor-In-Possession.

Case No: 8:24-bk-12674-SC

Chapter 11

**DEBTOR'S LIMITED OPPOSITION
TO DEBRA RENEE DANNER'S
NOTICE OF MOTION AND MOTION
FOR RELIEF FROM THE
AUTOMATIC STAY UNDER 11 U.S.C.
§ 362 (ACTION IN NONBANKRUPTCY
FORUM)**

Hearing Information:

Date: August 20, 2025
Time: 1:30 p.m.
Place: Courtroom 5C
411 West Fourth Street
Santa Ana, CA 92701

**TO THE HONORABLE SCOTT C. CLARKSON, UNITED STATES BANKRUPTCY
JUDGE:**

The Original Mowbray's Tree Service, Inc., the debtor and debtor-in-possession in the
above-captioned case (the "**Debtor**"), hereby submits this limited opposition to the *Notice of
Motion and Motion for Relief From the Automatic Stay Under 11 U.S.C. § 362* [Docket No.
585] (the "**Motion**") filed by Debra Renee Danner (the "**Movant**").

I. LIMITED OPPOSITION

By the Motion, the Movant requests relief from stay pursuant to 11 U.S.C. § 362(d)(1) to commence and litigate to judgment an action in the U.S. District Court for the Western District of North Carolina related to an accident involving the Movant in Watauga County, North Carolina. The Debtor submits that it was not at fault for the accident and that the Debtor is not liable for the accident. With that in mind, the Debtor does not oppose stay relief solely to allow the Movant to proceed with the action in the U.S. District Court for the Western District of North Carolina to judgment, but not to enforce any judgment against the Debtor or property of the Debtor's estate, which was not requested in the Motion, so long as any and all of the Debtor's rights regarding any other issues, including, without limitation, the allowance and payment of any resulting claim in this case or under the Debtor's plan, are expressly reserved. The Debtor requests that the order granting the Motion provide the following language:

This order is without prejudice to the Debtor's rights, defenses, arguments, and objections in all respects as to any matter other than stay relief under 11 U.S.C. § 362(d)(1) and the waiver of the 14-day stay under Fed. R. Bankr. Pro. 4001(a)(3).

Respectfully submitted,

DATED: August 6, 2025

RAINES FELDMAN LITTRELL LLP

By: /s/ Michael L. Simon

ROBERT S. MARTICELLO

MICHAEL L. SIMON

Counsel to the Debtor and Debtor-In-Possession

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
4675 MacArthur Court, Suite 1550, Newport Beach, CA 92660

A true and correct copy of the foregoing document entitled (*specify*): **DEBTOR'S LIMITED OPPOSITION TO DEBRA RENEE DANNER'S NOTICE OF MOTION AND MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 (ACTION IN NONBANKRUPTCY FORUM)**

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **August 6, 2025**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) **August 6, 2025**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Personal Delivery

Hon. Scott C. Clarkson
U.S. Bankruptcy Court
Ronald Reagan Federal Building
411 West Fourth Street, Suite 5130
Santa Ana, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

August 6, 2025
Date

Connie-Marie Santiago
Printed Name

/s/ Connie-Marie Santiago
Signature

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**

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